

REMARKS

This Amendment is responsive to the Office Action mailed on June 10, 2010. Claims 25, 27, 36, 39, and 44 are amended. Claims 49 and 50 are cancelled. Claims 25-48 are pending. Claims 26, 27, 29-35, 37, 38, and 40-48 are withdrawn.

The Examiner indicates that claims 49 and 50 added in the prior amendment are considered withdrawn as they fail to contain a special technical feature that defines over the prior art in the International Search Report. In a telephone discussion with the Examiner on November 30, 2010, the Examiner indicated that the subject matter of claims 49 and 50 could be added to the independent claims and that Applicant was not limited in what subject matter could be added to the independent claims in a response to the Office Action.

Claims 25, 28, 36, and 39 are rejected under 35 U.S.C. §102(b) as being anticipated by De Volder (WO 92/05960).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Independent claim 25 is amended to include the subject matter of claim 49. Claim 25 is also amended to specify that the at least one secondary guide acts as a buffer element for buffering contact between the at least one pad and the cliché during take up of printing material from the cliché (see, e.g., claim 36 and Applicant's specification, page 8, lines 6-9). Claim 25 is also amended to specify that the at least one secondary guide acts to guide the at least one pad in a direction of movement parallel to a direction of movement of the primary guide while preventing substantial angular deflection of the at least one pad (See, e.g., Figures 6, 7, and 8).

Minor clarifying amendments are also made to claim 25, as well as to claims 27 and 44.

Independent claim 36 is amended similarly to claim 25.

Claim 39 is amended to correspond to the subject matter of claim 28.

Discussion of De Volder

Claims 25, 28, 36, and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by De Volder. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, De Volder does not meet the requirements for an anticipation rejection.

De Volder is directed towards a printing tampon 1 with a printing surface 3. The tampon 1 is provided with a reduced stiffness by providing an appropriate weakening in the height of the tampon 1. The weakening is provided by recesses or notches 4 placed on ribs 5 between adjacent sides 2 (page 3, first full para.). In the Figure 9 embodiment of De Volder, a joint between the top part 7 of the tampon 1 and the tampon tip 8 is formed by a coil spring 10, in order to permit angular deformation of the tampon (Page 5, third full para.).

The aim of De Volder is to enable printing on fragile objects which may vary slightly in size. This aim is achieved by enabling angular deflection of the tampon 1.

In contrast, the present invention is directed towards a device and method for the linear pad printing of products with significant variations between them. This ability to print on products having significant variations between them is achieved through the use of Applicant's claimed at least one secondary guide. Applicant's claim 25 specifies at least one secondary guide that acts as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed. Claim 25 also specifies that each of the at least one secondary guides comprises a spring arranged around a shaft. Thus, the structure of Applicant's at least one secondary guide acts to axially guide the at least one pad in a direction of movement of the primary guide while preventing substantial angular deflection of the at least one pad. For example, the spring of Applicant's secondary guide acts as a buffer element and the shaft of the secondary guide acts as a linear guide to guide the at least one pad in a direction of movement

parallel to the movement of the primary guide, while preventing substantial angular deflection of the at least one pad.

De Volder teaches a tampon or pad with a lower stiffness. While the low stiffness tampon of De Volder may provide a type of buffering effect, De Volder does not teach or suggest a guide or a guiding effect. To the contrary, in De Volder, the lower stiffness is meant to allow angular deformation of the pad end (See, e.g., page 3 paragraph 3 : “the tampon can be reshaped according to a specific angle ...”; page 3, paragraph 4 “the possible angular deformation . . . is further increased”, page 4 paragraph 5 “This provides the tampon with a certain angular deformability ...” and other passages). Figure 10 of De Volder shows the pad 1 in different positions of angular deformation. This teaching of De Volder is contrary to Applicant’s claimed invention, which employs at least one secondary guide comprising a spring arranged around a shaft which acts to guide the at least one pad in a direction of movement parallel to a direction of movement of the primary guide while preventing substantial angular deflection of the at least one pad.

The Examiner apparently equates the spring 10 shown in Figure 9 of De Volder with Applicant’s claimed secondary guide (Office Action, page 3). Amended claim 25 specifies that the at least one secondary guide comprises a spring arranged around a shaft. De Volder does not disclose or remotely suggest a secondary guide comprising a spring arranged around a shaft, as claimed by Applicants. In particular, there is no shaft arranged within the spring 10 of De Volder.

Further, De Volder does not contemplate such an arrangement with a spring arranged around a shaft as claimed by Applicant, since the aim of De Volder is to permit angular deflection of account for slight variations in the size and position of the products to be printed. In contrast, with Applicant’s claimed invention, the spring and shaft arrangement of the at least one secondary guide enables printing on products with significant variations between them. For example, if the device of De Volder were used to print on products with significant variations between them, the pad of De Volder may be angularly deflected, resulting in poor or no contact between the pad and certain parts of the product, leading to poor print quality or incomplete printing. In contrast, with Applicant’s claimed invention, the shaft of the at least one secondary guide will substantially

prevent such angular deflection; ensuring that good contact between the pad and the product is established, while the spring will buffer the pad as it is applied to the product to be printed.

Applicant's claimed structure of the at least one secondary guide also ensures good contact between the at least one pad and the cliché during take up of the printing material.

Such advantages are not contemplated by De Volder.

Accordingly, De Volder does not disclose or remotely suggest at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, where each of the at least one secondary guides comprises a spring arranged around a shaft, and the least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of movement of the primary guide while preventing substantial angular deflection of the at least one pad.

The foregoing arguments apply equally to independent claims 25 and 36, which contain analogous subject matter.

With regard to Applicant's claims 28 and 39, it is respectfully submitted that De Volder does not disclose or suggest a piece holder that is provided with apertures such that the products are printed through the apertures. De Volder does show in Figure 10 a container 11 as a piece holder. However, no apertures are shown in container 11 of De Volder. Figure 10 of DeVolder shows the products 12 sitting in compartments of the piece holder 11. However, these compartments of the holder 11 are not equivalent to apertures as claimed by Applicant, as the pad 1 of De Volder does not print the product through these compartments. Rather, in De Volder, the products sit in and protrude out of the compartments 10.

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As De Volder does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, Akamai Technologies Inc., *supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of De Volder, taken alone or in combination with any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



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